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8 **IN THE UNITED STATES DISTRICT COURT FOR THE**
9 **EASTERN DISTRICT OF CALIFORNIA**
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12 **UNITED STATES OF AMERICA**)

13 **Plaintiff,**)

14 **vs.**)

15 **KIMBERLY WILLIAMS,**)

16 **Defendant.**)
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6:05-MJ-00043 WMW
1:05-cr-0306 LJO -1

JUDGMENT

On August 4, 2005, the court denied Defendant's motion to dismiss. On August 16, 2005, Defendant Williams entered a conditional plea of "no contest" to misappropriation of property. The plea was offered under Rule 11(a)(23) of the Federal Rules of Criminal Procedure, which provides as follows:

(2) Conditional Plea. With the consent of the court and the government, a defendant may enter a conditional plea of guilty or nolo contendere, reserving in writing the right to have an appellate court review an adverse determination of a specified pretrial motion. A defendant who prevails on appeal may then withdraw the plea.

1 The court noted the conditional plea and set the matter for a status conference in ninety (90)
2 days, to allow resolution of Defendant's appeal of the court's denial of her motion to dismiss.

3 On August 22, 2005, Defendant filed a notice of appeal from "the conviction/sentence
4 of the United States Magistrate Court passed on August 15, 2005."

5 On April 13, 2007, District Judge Lawrence J. O'Neill entered his decision on
6 Defendant's appeal, stating that the court:

- 7 1. AFFIRMS U.S. Magistrate Judge William Wunderlich's decision;
- 8 2. DENIES Ms. Williams' request to reverse her conviction or vacate her
9 sentence; and
- 10 3. DIRECTS this Court's clerk to enter judgment in favor of the United States of
11 American and against defendant Kimberly Williams.

12 Judgment was entered on April 13, 2007.

13 On April 13, 2007, Defendant Williams filed a notice of appeal to the Ninth Circuit
14 "from the denial of her appeal on April 13, 2007 of the conviction/sentence of the magistrate
15 judge of the Yosemite division of the above-entitled court passed on August 16, 2005. On
16 May 15, 2008, the Ninth Circuit entered an order staying the appeal for 60 days "to afford the
17 magistrate judge an opportunity to impose a sentence, and for final judgment to be entered.
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19 Accordingly, IT IS HEREBY ORDERED as follows:

- 20 1) the Clerk of the Court is directed to enter judgment for the United States and against
21 Defendant Williams in compliance with the conditional plea of no contest entered
22 before the undersigned on August 16, 2005;
- 23 2) Defendant Williams is sentenced to serve two (2) months of unsupervised probation
24 and two (2) days custody with credit for two days served; and
- 25 3) Defendant Williams is further sentenced to pay a fine of \$60 and a special assessment
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of \$10.

IT IS SO ORDERED.

Dated: May 28, 2008

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE